rpa

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

COMPANY PETITION NO.364 OF 2001

Office Notes, Office Memoranda of Coram, appearances, Court's Orders or directions and Registrar's Order	Court's or Judge's Order

Mr. S.J.Kanojia i/b.M/s.Kiran Jain & Co. for the petitioner.

CORAM : ANOOP V.MOHTA, J.
DATE : 26th October, 2007.

P.C. :-

. The respondent company inspite of repeated communication failed to make the payment of the undisputed amount. On the contrary, admission of the amount express their inability to make the payment.

2. The petitioner therefore

inview of the uncontradictory position on the record has invoked the provisions of section 433, 434 of the Company's Act.

3 The amount due is to the tune of Rs. 22,90,682/- with interest. After notice learned counsel appearing for respondent company express their inability to make any payment on 21st July, 2001. This court has admitted the present petition.

4. Respondent waives service.

5. Taking all this into account the facts remains that the averments as made in the petition remains uncontradictory. The claim is also within limitation.

6. The petition is allowed in terms of prayer clause 9(a) and (b). The petition is disposed of accordingly.

(ANOOP V. MOHTA, J.)